

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP AMENDMENT

In re Patent Application of  
Glenn Ferguson et al.  
Application No.: 09/766,615  
Filing Date: July 26, 2001  
Title: DATA MODEL FOR AUTOMATED SERVER CONFIGURATION

Group Art Unit: 2128  
Examiner: MUSSA SHAAWAT  
Confirmation No.: 8359

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☒ A Petition for Extension of Time is also enclosed.
- ☐ Terminal Disclaimer(s) and the ☐ \$65.00 (2814) ☐ \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is/are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☒ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_  
for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	18	MINUS 20 =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims	4	MINUS 4 =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					\$ 0.00
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0.00</b>

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800.
- ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.


The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: July 14, 2005

By   
James A. LaBarre  
Registration No. 28,632



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<b>MAIL STOP AMENDMENT</b>
Glenn Ferguson et al.	)	Group Art Unit: 2128
Application No.: 09/766,615	)	Examiner: MUSSA SHAAWAT
Filed: July 26, 2001	)	Confirmation No.: 8359
For: DATA MODEL FOR AUTOMATED	)	
SERVER CONFIGURATION	)	
	)	
	)	
	)	

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated January 14, 2005, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims.

The Examiner is thanked for his facsimile of March 2, 2005, forwarding an updated form PTO-892, which includes a citation to the Elderton et al. patent that was applied in the rejection.

The Office Action states that the application lacks the necessary reference to the prior application, required by 37 C.F.R. §1.78(a)(2). It is to be noted, however, that a request to amend the specification to include the statement "This application is a divisional of United States Patent Application No. 09/699,353." was included in the Application Transmittal Letter submitted with the original application papers. See the penultimate item on the first page of the Transmittal Letter. The Examiner is requested to confirm that the Amendment has been entered. Furthermore, the Application Data Sheet filed with the application papers includes the requisite

reference to the prior application. See the section entitled "Continuity Information" on page 2 of the Application Data Sheet.

Accordingly, it is respectfully submitted that the application meets the requirement of 37 C.F.R. §1.78(a)(2).

The Office Action states that claims 1-31 are rejected under 35 U.S.C § 102, on the grounds that they are considered to be anticipated by the Elderton et al. patent (U.S. 6,477,572). Since the application only contains claims 1-18, as acknowledged at the beginning of the Office Action, the reference to claims 1-31 appears to be an inadvertent error.

The claimed invention is generally directed to a data model that can be used to support the automated provisioning of servers and other devices that support network sites, such as websites on the Internet. The data model functions as a repository of pertinent information that is employed to provision, or configure, the servers and network devices. Although not limited thereto, the data model disclosed in the application is particularly suited for use by managed service providers who are responsible for the automated deployment and maintenance of servers in a data center, or the like, which may be associated with a number of different websites. Each website, of course, has a different domain name associated with it. The claimed subject matter is particularly directed to the portion of the data model that is associated with domain name services (DNS). This component of the data model comprises various entities containing information about different aspects of DNS, and their relationship to one another. One example of these entities and their relationships is illustrated in Figure 16 of the application.

In contrast, the Elderton patent is concerned with the display of a network topology. See, for example, column 1, lines 10 and 58-59. It is respectfully submitted that the Elderton patent does not disclose a data model that can be employed for purposes of automatically provisioning a network, particularly one that relates DNS objects of a computer network to one another.

With reference to claim 1, the Office Action asserts that the Elderton patent discloses DNS domains entities that represent DNS domains of devices connected to a computer network. The Office Action specifically identifies column 3, lines 45-58, column 6, lines 5-16, and Figure 9 of the patent in support of this statement. However, it is respectfully submitted that these portions of the patent do not disclose, nor otherwise suggest the claimed subject matter.

At column 3, lines 45-58, the patent describes that a management environment, e.g. a distributed computer network, is logically divided into managed regions, each with its own management server 12. This portion of the patent does not disclose the concept of a data model that includes DNS *domains entities*. To the contrary, in the context of the Elderton patent, the managed environment is associated with a particular enterprise, e.g. a business organization. See, for example, column 4, line 64. As such, all of the computers on the network within the managed environment are likely to belong to a *single* domain. Consequently, since the network managers are only concerned with a single domain, there is no reason to employ a data model that includes "DNS domains entities that represent DNS domains (plural) of devices connected to a computer network," as recited in claim 1.

The disclosure at column 6, lines 5-16, is even more remote. This portion of the patent relates to the topology mapper that determines what information is to be

included in a topology map. It does not describe a data model containing entities that represent DNS domains of devices connected to a computer network.

In setting forth the rejection, the Office Action states that "Fig. 9 shows a computer network having entities and DNS 'name server' whereby each entity represents a DNS domain." As disclosed in the patent, Figure 9 is a display map of a managed region, which depicts a number of end point machines. It appears that the Office Action is interpreting each machine to be an entity. It is respectfully submitted that the patent does not disclose that each such "entity" represents a DNS domain. Rather, as noted previously, if the network is associated with a given enterprise *all* of the machines are part of the *same* domain. Each machine does not "represent" an entity.

Claim 1 further recites that the data model includes DNS host entities that represent various DNS hosts connected to the computer network. In connection with this subject matter, the Office Action refers to the Elderton patent at column 7, line 60 to column 8, line 6, and states that the patent discloses network objects which are entities and servers which are hosts. This portion of the patent relates to the topology maps illustrated in Figures 9 and 10. It does not disclose that the servers constitute DNS hosts. Rather, the servers, which are illustrated in both Figures 9 and 10, function as gateways. See column 8, lines 2-6. There is no disclosure in the patent suggesting that these gateways function as DNS hosts.

For at least the foregoing reasons, it is respectfully submitted that the subject matter of claim 1 is not anticipated by the Elderton patent. For at least these same reasons, the other claims pending in the application are likewise not anticipated. Each of independent claim 5, 6 and 7 recites DNS domains entities and DNS hosts

entities in combination with other elements of the data model. Consequently, they are even more specific in scope and distinguishable for at least the reasons discussed above.


In summary, it is respectfully submitted that the Elderton patent has nothing to do with the subject matter recited in the pending claims. At a general level, it is not concerned with a data model, particularly one that can be used to automatically provision network servers. Rather, it is concerned with the manner in which a map of the topology of a network is generated. More specifically, the patent does not disclose a data model that is directed to the relationship of DNS entities in a network. While the patent acknowledges that a network might include name servers, it does not include any disclosure that teaches a person of ordinary skill in the art how to store information about DNS objects in a data model that facilitates automated provisioning.

Reconsideration and withdrawal of the rejection is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 14, 2005

By:   
James A. LaBarre  
Registration No. 28,632

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